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**MEMO ENDORSED**

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Via fax (914) 390-4179

Honorable Nelson S. Roman  
United States District Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

City of New Rochelle  
New York

August 20, 2013

Application Granted  
to the extent of  
directing all parties  
to appear for a  
Pre-motion Conference  
on Sept. 11, 2013 at  
10:30 AM. Defendant is  
directed to mail a copy of  
this order upon plaintiff  
via Regular mail within  
7 days hereof.

Re: Llewellyn Angelo Williams v. City of New Rochelle  
13 CV 3315 (NSR)

**SO ORDERED:**

Dear Judge Roman:

This office is representing the Defendant City of New Rochelle in the above captioned matter.

 8/21/13  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE

At my request, the Court held a pre-motion conference on July 11, 2013 because I was seeking permission to make a motion to obtain a more definite statement of the allegations forming the basis of the plaintiff's original and amended complaint pursuant to Federal Rules of Civil Procedure Rule 12(e). At that conference, I advised the Court that in prior state court litigation, Mr. Williams had given the City of New Rochelle a general release which released the City and its Police Department of all claims that Mr. Williams may have had against the City and the Police Department up until the date of the release of October 6, 2011. A copy of that release was provided to the Court and Mr. Williams during the July 11 conference. As the Court discussed with Mr. Williams, he was instructed to file a further amended complaint limiting his claims to those occurring after the date of his October 6, 2011 release.

Mr. Williams has now filed his latest amended pleadings. Not only do these latest pleadings ignore the Court's July 11 instruction to include only claims after the October 6, 2011 by alleging in paragraph 3.B. of the further amended complaint that the events giving rise to his claims occurred

between "2008-2013", these new pleadings now add as new and additional defendants the City of New Rochelle Police Department, Sergeant Daniel Conca, Sergeant John Inzeo and Sergeant Wilson.

As I previously advised, this office is representing the City of New Rochelle. In addition, we will be appearing for the individually named officers once they have been properly served. I understand that as of this writing, none of the officers have been served. In addition, as the City of New Rochelle Police Department is a department of the City of New Rochelle, it is not a separate entity which can be sued.

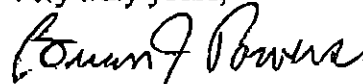
I am again requesting that the Court schedule a further pre-motion conference in which I will be asking for the following: (1) permission to move pursuant to Federal Rules of Civil Procedure Rule 12(b) to dismiss all claims arising prior to October 6, 2011 based upon the general release Mr. Williams executed; and (2) permission to move to obtain a more definite statement pursuant to Federal Rules of Civil Procedure Rule 12(e) of the allegations forming the basis of the complaint of those post October 6, 2011 claims. The latest amended pleadings have not cured the prior problem.

I would respectfully request that the conference not be scheduled until after Mr. Williams has effectuated service upon the individual officers so that this office can properly appear for them.

The plaintiff is appearing *pro se*. I am forwarding a copy of this letter to Mr. Williams via the e-mail address he previously provided along with sending him a hard copy of this letter.

I thank you for your consideration of this letter. If the Court requires anything further, please advise and I will be happy to provide such.

Very truly yours,



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BJP/hs

cc:

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and by first class mail